

MAY LOSE MILLIONS IN DAMAGE SUITS

If Negligence on Part of White Star Line Can Be Determined, Admiralty Lawyer Says, It Must Pay for Loss of Hundreds of Lives.

ISMAI'S PRESENCE A BIG FACTOR

Makes It Possible to Urge That Captain Smith's Action in Driving Titanic Ahead at High Speed Was Within Managing Director's Knowledge, Thus Apparently Refuting Limitation of Liability Plea.

The presence of J. Bruce Ismay on board the Titanic when she struck an iceberg on Sunday night, resulting in the most appalling marine disaster of modern times, will lead to important complications, it appears, when the question of the settlement of damages for loss of life, personal injuries and loss of cargo arises. There seems in store for Mr. Ismay, now that his life has been spared, an interesting fight in the admiralty courts after the government investigations here and in England have done with him.

If the question of the negligence of the White Star Line can be determined in respect to the loss of the Titanic and fifteen hundred lives, that company or the International Mercantile Marine Company, which owns it, stands to lose an amount in damages running well into the millions, in the opinion of leading lawyers. Howard S. Harrington, of the firm of Harrington, Bigham & Englar, lawyers, of No. 64 Wall street, a firm which does a large admiralty business, with important English connections, discussed the question of liability arising out of the Titanic's loss at some length yesterday. Mr. Harrington has just finished conducting for his firm the limitation of liability proceedings brought in behalf of the owners of the United Fruit Company's steamer Admiral Farragut, which sank the Ward liner Merida last May off the Virginia Capes, with her cargo, valued at over half a million. He expressed a keen interest, therefore, in the problem now before the White Star Line officials.

IF NEGLIGENT WHITE STAR LINE MUST PAY.

"All the passengers injured as a result of the collision, as well as the estates of those drowned, may recover damages from the White Star Line," said he, "provided the striking of the iceberg was due to negligence, and it would seem from the reports in the papers that the accident was due to negligence. It is said that a day or two before the collision the Titanic received wireless messages advising her of the presence of tremendous fields of ice—one of the reports giving the position of a field of ice, twenty miles in extent, as within a few miles of the point where the collision subsequently occurred.

"In the light of this information there would seem to be no question that it was negligence on the part of the navigators of the Titanic to proceed ahead at the high rate of speed of twenty-odd knots, after nightfall, even though the weather at the time was as clear as it is said to have been. Under these circumstances the question arises, to what extent is the White Star Line liable for the damages resulting from the collision, and in what jurisdiction may proceedings be brought? Actions on behalf of the various claimants may be brought in this city by the service of process upon the resident officials and by attachment of the property of the line, including the various vessels that come to this port. Under the provisions of Lord Campbell's act, which is part of the substantive law of England, recovery may be had in the courts of this country for wrongful death on board a British vessel on the high seas.

"It is to be assumed, however, that limitation of liability proceedings will be instituted by the White Star company. These proceedings may be instituted either in England or the United States. If they are instituted in England the White Star Line will be obliged to admit liability for the accident and pay into the registry of court for distribution among the claimants £15 per registered ton in the case of loss of life and personal injury claims and £8 per registered ton in respect to claims for damages to cargo, etc.

WOULD HAVE TO PAY LESS INTO COURTS HERE.

"Having regard to the enormous tonnage of the Titanic, the amount to be deposited by the White Star Line in connection with limitation proceedings in England would far exceed the amount which it would be necessary to pay into the United States courts if the proceedings were instituted here. Under the American limitation of liability act of 1851 it is provided that when the loss occurs without the knowledge or privity of the owner the liability shall be limited to the value of the vessel after the wreck—in this instance nil—plus pending freight (freight on cargo and all passage money), the aggregate of which in this case would probably be over a quarter of a million.

"In 1881 the Supreme Court of the United States decided in The Scotland (105 U. S., page 24) that the act of March 3, 1851, ch. 43, reproduced in the Revised Statutes in Sec. 4282, etc., applied to owners of foreign as well as domestic vessels, and to acts done on the high seas as well as in the waters of the United States.

"The presence of Mr. Ismay on board complicates the situation very seriously from the point of view of the White Star Line, as it will undoubtedly be urged that, in the light of his admitted knowledge of the presence ahead of dangerous ice fields, the negligence of Captain Smith in proceeding at a speed exceeding twenty knots after nightfall was a fault within Mr. Ismay's knowledge in the sense in which that term is used both in the English and the American limitation of liability statutes.

"Undoubtedly the knowledge of the managing director of the corporation is the knowledge of the corporation, and if it should be found in this instance that the disaster was attributable to negligence in the respects indicated it is difficult to see how the limitation can be had, in light of the managing director's knowledge.

ISMAI'S PRESENCE MAY AID CARGO OWNERS.

"But Mr. Ismay's presence is not only important in respect to the limitation of liability. It also suggests that the cargo owners, or their underwriters succeeding to their rights by subrogation, may recover the amount of their losses in full.

"Ordinarily in a case of this character no recovery can be had by the cargo interest because the act of 1893, known as the Harter act, provides in substance that if the owners of a vessel have exercised due diligence in making her in all respects seaworthy they shall not be liable to cargo for any damage caused by an error in the management or navigation of the vessel.

"It is important to observe the distinction between the act of 1851 relating to the limitation of liability and the Harter act. The former covers the claims of all interests and simply provides that the liability of the owner, when established, shall not exceed a certain amount. The Harter act is limited strictly to the relations between the vessel and its cargo and provides in instances covered by the act that when due diligence has been exercised by the owners and the fault complained of is one of navigation or management, as distinguished from custody, stowage, etc., there shall be no liability at all on the part of the owner.

DIFFICULT FOR LINE TO PROVE DILIGENCE.

"In the present case, however, it will undoubtedly be contended that the orders said to have been issued to Captain Smith by the officers of the line, to the effect that he should make the best speed possible, coupled with the presence of Mr. Ismay on board, must result in the elimination of the Harter act from consideration. It will certainly be extremely difficult for the White Star Line to show that it exerted the due diligence required by the act when it appears that the disaster was directly due to the excessive speed maintained after the danger of ice ahead was fully known—maintained, that is, in pursuance of orders of responsible officials of the line represented on board by Mr. Ismay. If he had not been on board it might have been contended that the orders

for high speed were given with some such qualification as 'conditions permitting.' This position, of course, is seriously weakened by the evidence that Mr. Ismay knew of the actual conditions and none the less allowed the vessel to proceed in accordance with the original instructions.

"If the White Star Line is denied the protection of the Harter act the aggregate claims with respect to cargo losses collectible will probably run well into the millions. And if the participation of Mr. Ismay operates to eliminate the Harter act the limitation of liability in respect of the personal injuries and loss of life claims would undoubtedly be denied, in which case an additional recovery would be had on behalf of those claimants, the aggregate of which it is almost impossible to estimate. Having regard to the high standing and character of those who lost their lives in this terrible accident, it is probable that the recovery under this head would also run into the millions."

SAYS NO FEDERAL LAW BEARS ON DISASTER

Abel I. Smith, Assistant United States Attorney, in discussing last night the question of possible criminal action growing out of the Titanic disaster, said: "No federal law that I ever heard of has been violated. In any case, the United States has no jurisdiction over acts committed on the high seas. Criminal proceedings would have to be brought in England, if anywhere, but I can't think of any English law which could be invoked under the circumstances.

"All this might seem to justify the cry for additional legislation to cover such cases, but a much simpler way to correct the whole thing would be for Lloyd's in London, to raise the rate of insurance on all vessels and their cargo taking the short or northerly course. That would reach the owners' pocket-books, and how many vessels would take the short course then, do you think? Lloyd's could also raise the rate on public and employers' liability insurance in the case of all vessels not equipped with

an adequate supply of lifeboats. We should then have more lifeboats.

"And all this without resort to governmental action of any kind. How simple!"

Another lawyer of prominence explained that the officers and directors of the White Star Line, in his opinion, could not be held in any way criminally liable for Captain Smith's apparent disregard of danger ahead in speeding the Titanic, since under the English law the captain of a vessel was in supreme command on the high seas and was alone responsible for all errors in management or navigation. The responsibility of the owners of the vessel ended, so far as criminal law is concerned, he pointed out, when they had complied with the requirements of the British Board of Trade.

As the Titanic had complied with the Board of Trade regulations and Captain Smith was down with the vessel, the consensus of opinion in legal circles is that no criminal action whatever can result from the sinking of the Titanic and the loss of 1,500 lives.

TITANIC'S CREW SAILS WOULD HEAD OFF SUITS

Bitter Against the White Star Line's Treatment of Them.

Since P. A. S. Franklin, vice-president of the International Mercantile Marine Company, did not see fit to hold the Cedric for the members of the Titanic's crew who came in on the Carpathia on Thursday night, it was left to the Lapland, of the Red Star Line, to take them back to England. About 120 sailed on the Lapland yesterday.

Strenuous efforts were made by the White Star Line to prevent them from letting their tongues run wild with their versions of the causes leading to the Titanic's wreck. Escorted aboard the Lapland almost before the Carpathia had warped into her berth, they were ordered not to go ashore except with special permission. It was stated, and no one was allowed to visit them in their quarters. A number of them, however, found their way to the seamen's "paradise" along the waterfront or to the home of the Seamen's Society, where a service was conducted for them yesterday morning and clothing and tobacco distributed for the voyage home. Away from the supervision of their superiors they told their stories freely.

The line for which many of their comrades had laid down their lives and whom they themselves had served up to the point of death received few kind words from them on the eve of departure. Had it not been for the Seamen's Institute, one man declared, many of them would have gone home without even shoes. They were told that no money would be forthcoming from the company on this side of the water and that when they reached the other side they would be paid only up to the time that the Titanic sank. The line's indebtedness to them ended at that moment, they were told. "I'm half sorry I didn't go down with the steamer," one of the men declared. "Then the wife and children would have been cared for by the company, but now they get nothing, and I come home to them without a job and with only a few shillings in my pocket. I, like many of my mates, gave my coat and jacket to the women who were in the boat with me. But I'll have to buy a new one with what little is coming to me on the other side, so far as I can see. The line's not worrying about whether I and the family have anything to wear."

The courage of the "old man," as they affectionately termed Captain Smith, was a favorite topic with all of the men he once commanded. According to them, he would be the last man who ever trod a bridge to anticipate what the sea had in store for him by the use of a revolver. Each and every one of them who mentioned him declared that he went down with his ship, standing as nearly upright as possible on her slanting decks. And before he sank he performed a feat of heroism unequalled by any of the brave men who perished on the fatal night.

Cyril Handy, an able seaman of the crew, said he was on the dock near the bridge when the captain was washed off by the encroaching waters. A moment later he found himself in the water along side a boat and the captain was beside him, supporting a woman with a baby, whom he had evidently picked up as he fell. Lifting the woman and child aboard, the captain deliberately turned in the water and swam back to the vessel, in spite of the attempts of several sailors to pull him aboard to safety.

QUESTION OF LIABILITY

Law Book Editor Thinks England's Laws Should Govern.

In discussing the question of the liability of the White Star Line, C. P. Johnson, of the editorial staff of the American Law Book Company, last night said the first thing of importance to be considered is whether the laws of the United States or those of England govern the question of liability.

"I think that under the rule that the law of the country whose flag the vessel flies governs the liability of the ship owners," said Mr. Johnson, "the liability of the White Star Line depends upon the law of England, unless it is obvious that the passenger or shipper and the ship owners intended otherwise. A vessel on the high seas is, in contemplation of law, a part of the country whose flag she flies, the same as if she were a floating island over which that country had absolute jurisdiction; so that the White Star Line, if it chooses to do so, may undoubtedly insist that its liabilities be governed by the English law.

"Of course, the liability of the company for the negligence of the persons navigating the Titanic depends, under both the English and the American law, on whether the owners of the Titanic actually knew or had means of knowing that the vessel was being negligently navigated. However, there is no doubt that the knowledge which Mr. Ismay, the managing director of the White Star Line, who was aboard the Titanic at the time of the disaster, had or could have had of the fact that the vessel was being dangerously navigated, in view of all the circumstances will be imputed to the company. Mr. Ismay, as managing director, had absolute control of the situation. The captain of the vessel could have been compelled to obey the instructions of Mr. Ismay, who could, if necessary, have discharged him on the spot for failure to do so, leaving the navigation of the vessel to subordinates who would carry out his desires."

White Star Men Try in Vain to See Survivors at Hotels.

The White Star Line officials, it was learned yesterday, had made many futile attempts to interview Titanic survivors still at the hotels in this city. The efforts of the officials in this direction were looked upon as indicating a desire to get material evidence in case of any damage suits that might arise from the disaster.

In a number of the large hostleries the White Star representatives sent up their cards to the survivors. The answers that came back were that those from whom information was sought were not willing to be subjected to any interrogation. There are only a very few of the survivors still in the hotel, said the manager of one of the large 624 street hostleries yesterday. "This morning the steamship representatives came here to see the Titanic survivors, and not only found that most of them had left town, but were refused interviews by those still here."

At another place it was said that the remaining guests had given strict orders to the hotel manager to permit no cards to be sent up from persons desiring any information about the wreck. While this barred newspaper representatives, it also barred the steamship men. Relatives and friends have succeeded in taking to their homes the larger part of the survivors who spent the first two days here after they landed. At the Hotel Belmont it was said yesterday that the Ryersons and two or three others were there, but that most of the survivors who had registered there had gone away. Several of them leaving the hotel yesterday morning. All except one Titanic survivor had departed from the Manhattan, where nearly a score were accommodated. The Hotel Astor reported one guest remaining, which was Captain's colony of survivors, which included J. Bruce Ismay, Lord and Lady Duff Gordon, the Countess of Rothes and several others, still kept to their rooms. The guests had been under the care of a physician. She handled an ear, it was said, and severely strained the muscles of her arm.

The Gotham, Netherlands and Plaza hotels have still a few of the survivors. At the Gotham is Miss Elizabeth Allen, of St. Louis; her aunt, Mrs. Edward Roberts, and her cousin, Miss E. A. Madill, who were in the first boat to reach the Carpathia. Miss Allen says after the crash Mr. Ismay acted with much bravery. At a 424 street hotel a story was told by one of the Titanic passengers who was rescued by the Carpathia on Sunday night. The message reached the hotel around 10 o'clock. The passenger who wanted the room reserved was reported among the missing. At another hotel two rooms were engaged by a Winnipeg hotel manager for two of the first class passengers who were his friends. The message of reservation was sent also on Sunday, some time in the morning. The men who were to occupy the rooms were lost.

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GERMAN LINE QUICK TO ACT

Hamburg-American to Increase Number of Lifeboats.

Hamburg, April 20.—The Hamburg-American line has been quick to draw a lesson from the Titanic catastrophe. It has decided to increase the number of lifeboats on its steamers, although they already carry more than are required by the German law, and it will also improve all lifeboats on its steamers, so that in any circumstances every person on board can be accommodated. This has been done, although, according to the management, the German legal requirements are much more stringent than the British in regard to lifeboats and have considered heretofore amply sufficient by the German authorities and all experts.

SEA WATER NOT TESTED

Woman Says Titanic Sailor Filled Bucket on Board.

Chicago, April 20.—Mrs. Walter D. Douglas, of Minneapolis, whose husband was drowned in the Titanic wreck and who was rescued in a lifeboat with Mrs. Arthur Ryerson, of Philadelphia, said in an interview credited to her here to-day: "The day before the disaster, while on deck with my husband, I saw one of the ship's crew letting down a bucket out of the side of the ship and trying to dip up the ocean water. He then took the bucket and poured the water into the pail. He never took the temperature of the ocean water while we watched him. Referring to the speed of the Titanic, Mrs. Douglas said: "Everybody knew we were near icebergs because it grew so cold. On Sunday, before the wreck, Mrs. Ryerson told me that word that we were in the icebergs."

"Mrs. Ryerson said, 'Of course, you are going to slow down.' Mrs. Douglas replied, 'We are going to put on two more boilers and get out of it.' She believed here that Mrs. Douglas and Mrs. Ryerson will be asked to testify before the Senate investigating committee.

INSURANCE TO COST MORE

Rate Advance to Follow Sinking of Titanic, Say Marine Underwriters.

Marine underwriters said yesterday that the Titanic disaster undoubtedly would have the effect of advancing insurance rates, though no definite steps to increase them had been taken yet. By itself it might not have been followed by a change in rates, it was said, but this catastrophe comes on the heels of a series of accidents which make a revision of the rates scheduled imperative. Last year there was an advance averaging 10 per cent on hulls on the coastwise service.

A member of Chubb & Son, marine underwriters, said yesterday that if there had been any bulletin to speak of on the Titanic disaster, it would have been an immediate raising of rates. This was the case on the England to India route in consequence of the recent loss of the Cosmo in the English Channel with several millions of silver on board.

ISMAI SAYS EXPERIENCE TAUGHT HIM A LESSON

Announces That in Future Steamships of His Company Will Have Enough Lifeboats.

ORDER AFFECTS SIX LINES

Managing Director Declares He Had Nothing to Do with Wireless Service—Again Denies Woman's Tale.

Every one of the steamships of the International Mercantile Marine Company will be equipped in the future with enough lifeboats and life rafts to save every soul aboard, was the announcement made yesterday by J. Bruce Ismay, managing director of the company, as he came into the Waldorf-Astoria Hotel to be on hand should the investigating committee of the Senate recall him to the witness stand.

With this one statement, volunteered by him to newspaper men, Mr. Ismay's desire to talk about anything connected with the disaster of the Titanic seemed to have exhausted itself. Only to the question as to who was responsible for the silence of the Baltic on Monday morning, after her wireless operator had received a report from the Carpathia telling of the full extent of the catastrophe, Mr. Ismay declined to give an answer, and that was that he had nothing to do with the wireless service and knew nothing about the messages that were sent.

Counsel for Mr. Ismay later warned off all further questions by saying that the managing director was under subpoena to appear before the Senate committee at Washington on Monday, and that for this reason Mr. Ismay could not talk about anything connected with the inquiry now going on.

Calls Woman's Story "Absurd."

There was no difficulty, however, in receiving from Mr. Ismay a repetition of his denial, made earlier in the day, of the story told by Mrs. Ryerson on the Carpathia to Major Arthur Fauchen and Mrs. Walter Douglas, also survivors of the Titanic. These two, telling of their conversation with Mrs. Ryerson, who is a sufferer from a serious nervous breakdown, quoted her as saying that she asked Mr. Ismay if the proximity of the icebergs would cause the Titanic to proceed more slowly, and to this Mr. Ismay had replied: "No, we will go faster."

"There is not a word of truth in any such statement," was Mr. Ismay's comment. "You cannot deny my emphatic statement that I never made such a remark." Mr. Ismay disclaimed also all responsibility or knowledge concerning the distribution of passengers in the lifeboats and their manning. He would not discuss the assertion made by almost all the survivors that the law demanding a supply of food and drinking water for each boat sufficient for six days, had not been complied with, and that the lifeboats had absolutely nothing in them to sustain their passengers.

It was pointed out to Mr. Ismay that a stiff breeze might have separated the lifeboats and that the process of picking them up might have lasted some days. Meanwhile the people in the boats would have been subjected to terrible suffering. Mr. Ismay then said that he knew nothing about it, but that he thought some officer told him there were food and drink in the boats. It may have been that the officer spoke about the boat in which Mr. Ismay was, as the other survivors almost unanimously declared there was neither food nor drink in their boats.

Counsel Keeps Franklin Silent.

P. A. S. Franklin, vice-president of the International Mercantile Marine Company, who accompanied Mr. Ismay, was equally reticent. His counsel, too, insisted that Mr. Franklin should not discuss any matter in connection with the Titanic, as he also was under subpoena to appear before the Senate committee in Washington.

The order issued by Mr. Ismay to equip all the steamships of the International Mercantile Marine Company with sufficient lifeboats will affect the White Star Line, the American Line, the Atlantic Transport, the Red Star Line, the Leyland Line and the Dominion Line. In announcing his decision Mr. Ismay said:

Everybody learns by experience. One thing I learned from my experience is that the laws relating to the preservation of life in case of such an accident are not adequate. They are not adequate upon the assumption that these great steel ocean liners were unsinkable, with their highly developed system of machinery. But experience has taught us that in certain circumstances there are at present no such things as unsinkable ships.

I issued this order as a result of my own observations. I am candid to admit that until I had had actual experience in a wreck I never fully realized the inadequacy of the rules of our and other lines with reference to the preservation of life in case of an accident in mid-ocean. I had gone on the theory that our ships were unsinkable.

I determined to do this irrespective of any present or future laws on the subject, either in this country, in England or Holland, and of any other foreign countries touched by the lines of the International Mercantile Marine Company. I am going to see to it that not only every passenger but every member of the crew on any ship of the White Star, the American and all other lines of the International Mercantile Marine shall in the future be as safe as possible in case of an accident.

We are not waiting merely comply with the law. We are going to disregard technicalities and give the most ample and complete protection to human life, irrespective of all legal requirements. In the future there will never arise a condition in which there is not room for everybody in the lifeboats or on the unsinkable prearranged lifeboats that are not even capable of being upset in rough weather.

GERMAN MEASURES RIGID

Vice-Chancellor Says Government Is After Ship Owners.

Berlin, April 20.—The motion introduced into the Reichstag yesterday requesting the Imperial Chancellor to order an investigation as to whether German steamships are equipped with sufficient lifesaving appliances for all the passengers and crew was considered to-day.

Replying to Dr. Otto Arendt, who spoke as the introducer of the motion, Clemens Delbrück, Minister of the Interior and Vice-Chancellor of the Empire, said that the government was already in communication with the large shipping companies, and would see that everything necessary and possible would be done. Positive measures, however, could not be proposed before the details of the catastrophe to the Titanic had been learned. The motion was thereupon withdrawn.

Herr Delbrück declares that he instituted a revision of the German regulations as soon as the first details of the Titanic disaster became known, and in the immediate future will convene a conference of the shipping companies and maritime associations. He says he is convinced that the German captains, shipping companies and constructors, whose responsibility and care for passengers and crews entrusted to them are recognized by the whole world, will find ways and means to provide for everything necessary.

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TITANIC'S CARGO, \$425,000

Duplicate Manifest Received on Mauretania Shows Value.

A duplicate manifest of the freight cargo of the Titanic reached this city on Friday in the registered mail brought by the Mauretania. As is usual in the case of export cargo, the cargo was a comparative small one, not exceeding about 1,400 tons, and consisted principally of high class package freight, the estimated total value of which has been placed at around \$425,000.

Among the articles shipped on the Titanic were silk goods, lace, woolsens, velvets, wines and spirits and various luxuries, for the table, all of which pay a high freight charge and contribute largely to the freight charges. Freight of this class customs repaid, and if prepayment had been made on the consignments on the lost vessel the owners of the Titanic will be obliged to refund the amounts. A clause in the bills of lading, however, protects the steamship companies against risks at sea.

In the list of consignees are several banks and banking houses. The National City Bank was the consignee of eleven barrels of rubber. The Broadway Trust Company three cases of coney skins and Company National Bank of Chicago, 800 cases of preserved, and Baring Brothers & Co., of this city, were consignees of eleven cases of shelled walnuts; Brown Brothers & Co., 100 barrels and 100 cases of shelled walnuts, 76 cases of drag-cases of gum and 18 cases of cases of preserves, and Baring Brothers & Co., 88 cases of rubber and 100 bags of galls.

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Among other consignments were thirty cases of athletic goods for A. G. Spalding & Bros., a cash of china and a case of glass, and a case of cottons for B. Altman & Co.

A. Jaechel & Co.